

LAW OFFICES OF
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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MARTHA BROVELLI,

Plaintiff,

vs.

LONGS DRUG STORES CALIFORNIA,
LLC dba LONGS DRUGS #9813, JOHN
AND MARY DOES 1-10, and DOE
CORPORATIONS, PARTNERSHIPS, or
OTHER ENTITIES 1-10,

Defendant.

) CIVIL NO.: 16-1-1494-08 VLC
) (Assault, Battery, Negligent Hiring, Training,
) Supervision, and Retention, Intentional Infliction of
) Emotional Distress, Violations of Constitutional
) Rights, Premises Liability, Punitive Damages)
)
) **COMPLAINT; SUMMONS**
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COMPLAINT

Plaintiff MARTHA BROVELLI, by and through her above named attorney, for a
Complaint seeking damages against the Defendant, alleges and avers as follows:

I. Parties.

1. At all times mentioned herein, Plaintiff MARTHA BROVELLI (hereinafter referred to as "MARTHA" or "Plaintiff") was a resident of the City & County of Honolulu, State of Hawai'i.

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clark, Circuit Court, First Circuit

EXHIBIT A

2. At all times mentioned herein, Defendant LONGS DRUG STORES CALIFORNIA, LLC dba LONGS DRUGS #9813, (hereinafter referred to as "LONGS") was a retail drug store and is located in the City & County of Honolulu, State of Hawai'i.

3. That Defendants JOHN AND MARY DOES 1-10 and DOE CORPORATIONS, PARTNERSHIPS or OTHER ENTITIES 1-10 (hereinafter collectively "Doe Defendants") are other persons or entities which owned, possessed, controlled or in some manner were responsible or liable for the events and incident described herein, that caused Plaintiff's injuries. Doe Defendants are named herein as parties pursuant to Rule 17(d) of the Hawai'i Rules of Civil Procedure. Plaintiff will identify such defendants when their names and capacities are ascertained.

II. Statement of Facts.

4. On July 21, 2015, MARTHA was a business invitee of LONGS.

III. Statement of Allegations.

5. While a business invitee and patron of Defendant LONGS, MARTHA was brutally assaulted and battered by a security guard hired by LONGS and acting as the agent of LONGS.

IV. Causes of Action.

6. The aforementioned acts violated MARTHA's constitutional rights and other violations of the law as outlined herein.

7. The Defendant is liable for the injuries Plaintiff sustained as a result of the assault and battery in that LONGS should have foreseen and anticipated MARTHA's injuries as a result of LONGS' employee's actions.

8. Defendant LONGS had a special relationship with MARTHA, thereby imposing a heightened duty on Defendant.

9. The actions by Defendant's agent impose strict liability on LONGS who was under a duty to protect Plaintiff under the common law.

10. Moreover, Defendant negligently hired, supervised, trained, administered and/or controlled, and retained its employees and/or agents, and LONGS has given de facto encouragement to the criminal actions stated herein.

11. The Defendant is negligent because its agents failed to protect Plaintiff. Defendant's agent was acting under the rules, regulations, policies and procedures of Defendant, and violated the laws of the State of Hawai'i when it was reasonably foreseeable that the patron would assault and batter Plaintiff. See, eg, Moyle v. Y & Y. Hyup Shin, Corp., 118 Hawai'i 385, 191 P.3d 1062 (2008); Restatement (Second) of Torts § 332 (1965).

12. That as a result of Defendant's actions, MARTHA suffered serious and potentially permanent injuries that have not yet been fully diagnosed.

13. The aforementioned acts intentionally caused MARTHA an infliction of severe emotional distress, because Defendant could reasonably foresee the assault and battery and condoned the torts and crimes committed.

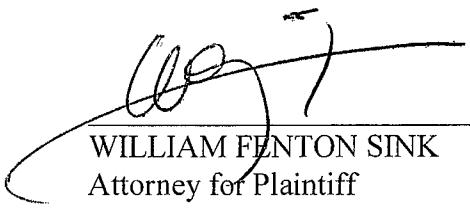
14. That Defendant's intentional actions and violations of statutes and regulations entitle Plaintiff to an award of punitive damages.

V. Prayer.

WHEREFORE, Plaintiff prays for judgment against the Defendant for damages in excess of the minimum jurisdictional limits of this court as follows:

1. General damages for emotional, psychological and physical injuries according to proof;
2. Special damages and other economic losses according to proof;
3. Punitive and exemplary damages according to proof;
4. For pre-judgment interest, Plaintiff's cost of suit, and attorney's fees;
5. For such other relief as the court deems just and proper.

Dated: Honolulu, Hawai'i, AUG 02 2016.



WILLIAM FENTON SINK
Attorney for Plaintiff

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT		SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER 16-1-1494-08 CIVIL NO.
PLAINTIFF, MARTHA BROVELLI,		VS. DEFENDANT.	LONGS DRUG STORES CALIFORNIA, LLC dba LONGS DRUGS #9813, JOHN AND MARY DOES 1-10, and DOE CORPORATIONS, PARTNERSHIPS, or OTHER ENTITIES 1-10, Defendant.
PLAINTIFF'S ADDRESS (NAME, ADDRESS, TEL. NO.) WILLIAM FENTON SINK #3546 735 Bishop Street, Suite 400 Honolulu, Hawaii 96813 Telephone: 531-7162 Facsimile: 524-2055			
<p>TO THE ABOVE-NAMED DEFENDANT(S)</p> <p>You are hereby summoned and required to file with the court and serve upon WILLIAM FENTON SINK, ESQ.</p> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEDIING PERSON OR PARTY.</p>			
DATE ISSUED AUG 02 2016	CLERK  		
I do hereby certify that this is full, true, and correct copy of the original on file in this office		Circuit Court Clerk	

In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration Office at PHONE NO. 539-4333, FAX 539-4322, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.